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SIPDIS

STATE FOR EB/IP (JURBAN); EUR/PPD

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SUBJECT: AMBASSADOR'S NOVEMBER 10 MEETING WITH CULTURE
MINISTER CARMEN CALVO

REF: REF (A) MADRID 3785 (B) MADRID 3566 (C) SECSTATE

36633

¶11. Summary: Ambassador's courtesy call was characterized by good atmospherics but little indication that the GOS will move significantly on the issues of concern to us. Minister Calvo started by enthusiastically describing U.S.- Spain cultural cooperation hightlights, especially the upcoming Picasso exhibit. The Minister agreed with the Ambassador on the need to fight Intellectual Property Rights (IPR) violations but did not indicate that the GOS would put more energy into implementing its own excellent anti-piracy plan. Calvo said that the U.S. firm, Odyssey Exploration Ltd., could look for HMS Sussex if it provided a work plan to the regional government in Andalucia, although work plans have been delivered in the past. Calvo said that the GOS believed it was more appropriate for the Thyssen Foundation to respond to Ambassador O'Donnell's letter to her regarding the Pissarro painting claimed by Claude Cassirer, although the GOS is on the Foundation board and has a lot of influence over what the board does. End Summary

Participants

¶12. International Cooperation and Cultural Communication
Director General Carlos Alberdi Alonso accompanied the Minister. Economic Officer accompanied the Ambassador.

U.S.- Spain Cultural/Educational Cooperation

¶13. Minister Calvo mentioned the upcoming 2006 Prado Picasso exhibit, which will include loaned works from several American institutions. The Embassy's Public Affairs section is working to facilitate these loans with a number of U.S. institutions. Calvo also mentioned that prior to her political career (she was Andalucia's equivalent of Minister of Culture before President Zapatero invited her to assume the national cultural portfolio) she was a professor at the University of Cordoba. She said that she had worked on the PRESHCO (Oberlin College, Smith College, The College of Wooster, Trinity College, Wellesley College, and Wheaton) Hispanic Studies Program with the University of Cordoba which was enormously successful. The Minister also mentioned she was a Bruce Springsteen fan.

IPR Protection Important

¶14. The Ambassador said the September 28 (ref A) IPR Roundtable had been a successful instance of U.S.-Spain cooperation. The Minister agreed and said that the police had told her that IPR violators made more money than drug traffickers. She added that IPR violations were a "big problem" in Spain. Local industry groups have been making the GOS aware of the extent of the IPR problem.

Cassirer Claim

¶15. Ambassador mentioned that Ambassador O'Donnell had not received a response to his June 27, 2005 letter to Minister Calvo re:the Cassirer claim. Calvo acknowledged that she had not responded. She also said that Foreign Minister Moratinos had raised the issue with her. Calvo said that because the Pissarro painting claimed by Cassirer belonged to the Thyssen Foundation (of which the GOS is a board member), it would be more appropriate for the Foundation to respond to Ambassador O'Donnell's letter. She added that while the GOS "presides over the patrimony" of the Foundation, the GOS cannot "unilaterally" decide what to do. She asked her staffer, Alberdi Alonso, to follow up with Economic Officer on this matter. (Note: Economic Officer discussed the Cassirer claim with Alberdi Alonso. He noted that Spanish Cultural Counselor Sobredo had recently discussed the claim with Ambassador O'Donnell. Alberdi Alonso said that Ambassador O'Donnell had conveyed "disappointment" to Sobredo re: this

matter. Alberdi Alonso committed to following up. Embassy will continue to press the GOS on the desirability of the Foundation meeting directly with the family to resolve the claim.)

Odyssey and the Search for HMS Sussex

16. Ambassador mentioned that the Regional Authority of Andalucia had still not responded to Odyssey's request to name an observer to accompany the Odyssey in its search for HMS Sussex. (Note: The Ministry of Foreign Affairs authorized in an August 18, 2005 diplomatic note to the Embassy the Odyssey to search for the Sussex as long as the Odyssey contacted the regional authorities to get a representative to accompany the Odyssey. The authorities have, however, never responded to Odyssey's inquiries re; the topic. See refs B and C.) Calvo said she was intimately acquainted with this subject and said that the Odyssey had never provided the regional authorities with a work plan as had been requested. She suggested that once a work plan was provided, the issue could be resolved. (Note: Emboffs remain in regular contact with Odyssey officials in the U.S. and Odyssey's attorneys in Madrid. The Minister was disingenuous in her response to the Ambassador because Odyssey has provided voluminous information to both GOS and Andalucian authorities.)

Comment

17. The atmospherics of the meeting were good. Calvo clearly has religion like the rest of her cabinet colleagues on the need have good relations with the U.S. However, with respect to the three big issues we have with her Ministry, her ability/willingness to deliver is questionable. On IPR matters there is philosophical agreement between the U.S. and Spain on most issues, but so far her Ministry has not implemented its otherwise excellent anti-piracy plan vigorously. On the Cassirer claim, the GOS could get the Foundation to, at a minimum, provide an interim response to Ambassador O'Donnell's letter without paying a discernible price. The Odyssey is a six year saga with Minister Calvo on record in the past as saying that the Odyssey would only search for HMS Sussex "over her dead body". The American company is likely to commence the search for the Sussex in the coming weeks and take the risk of having a Civil Guard boat boarding the vessel. The U.S. company is in a legally strong position given the MFA diplomatic note authorizing the search. Minister Calvo's staffer, Carlos Alberdi Alonso, said the MFA had mistakenly provided the authorization as competency lies with the regional authorities, but given the MFA note and the overwhelming weight of international law favoring the U.S. firm, the risk of boarding may well be worth taking for the Odyssey. .

AGUIRRE